

**LEWIS
AND
ROCA**
LLP
LAWYERS

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3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John C. Hinderaker AZ State Bar No. 18024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,¹
USA Capital Diversified Trust Deed Fund,
LLC,
USA Capital First Trust Deed Fund, LLC,²
USA Securities, LLC,³
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Status And Agenda For March 6, 2009
Hearings**

Hearing Date: March 6, 2009
Hearing Time: 9:30 a.m.
10:30 a.m.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Agenda for 9:30 a.m.

1. **Motion to Strike USACM LIQUIDATING TRUST'S Motion to Strike Defendant MICHAEL PETERSEN'S Jury Demand:** Adv. 08-01134-lbr, USACM Liquidating Trust et al v. Petersen et al

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

Motion Filed: Motion to Strike *USACM LIQUIDATING TRUST'S Motion to Strike Defendant MICHAEL. PETERSEN'S Jury Demand with Certificate of Service* Filed by ERIC D. MADDEN on behalf of USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, USACM LIQUIDATING TRUST [DE 71]

Status Continued to March 20, 2009 at 9:30 a.m. at February 23, 2009 hearing

Agenda for 10:30 a.m.

1. **Status Hearing:** Adv. 06-01247-lbr, Kehl et al v. Milanowski et al

Complaint filed: Adversary case 06-01247. Complaint Filed by Robert J. Kehl, Ruth Ann Kehl, Robert A. Kehl, Christina "Tina" M. Kehl, Krystina L. Kehl, Daniel J. Kehl, Kevin A. Kehl, Susan L. Kehl, Christina M. Kehl, Patrick J. Anglin, Cynthia A. Winter, Kehl Development Corporation, Judy A. Bonnet, Kevin A. McKee, Pamela J. McKee, Warren Hoffman Family Investments, LP, Andrew R. Kehl vs. USA COMMERCIAL MORTGAGE COMPANY, A NEVADA CORPORATION, JOSEPH MILANOWSKI, THOMAS A HANTGES [DE 1]

Virtual Minute Entry filed: **Virtual Minute Entry in reference to hearing On: 11/18/2008**
CONTINUED Status hearing to be held on 03/06/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 17]

Status

2. **Status Hearing:** Adv. 08-01127-lbr, USACM Liquidating Trust v. Amesburyport Corporation

Order filed: Order Setting Status Hearing. Status hearing to be held on 3/6/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 22]

Status Trust is ready to proceed

1 3. **Status Hearing Re: Complaint:** Adv. 08-01131-lbr, USACM Liquidating
2 Trust v. Bingham McCutchen, LLP

3 **Complaint filed:** Adversary case 08-01131. Complaint Filed by USACM
4 4/11/08 LIQUIDATING TRUST vs. BINGHAM MCCUTCHEN, LLP
5 [DE 1]

6 **Order filed:** Order Setting Hearing. Status hearing to be held on 2/20/2009 at
7 2/05/09 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 26]

8 **Status** Trust is ready to proceed

9 4. **Motion to Exclude Plaintiff's Untimely Amended Expert Report, or in**
10 **the Alternative, for 30 Days From Entry of Order to Serve a Rebuttal Expert Report,**
11 **Plus Sanctions:** Adv. 08-01131-lbr, USACM Liquidating Trust v. Bingham McCutchen,
12 LLP

13 **Motion filed:** Motion to Exclude *Plaintiff's Untimely Amended Expert Report,*
14 2/9/09 *or in the Alternative, for 30 Days From Entry of Order to Serve a*
15 *Rebuttal Expert Report, Plus Sanctions* Filed by RYAN J.
16 WORKS on behalf of BINGHAM MCCUTCHEN, LLP [DE 28]

17 **Opposition filed:** Opposition *USACM LIQUIDATING TRUST's Opposition to*
18 2/17/09 *Defendant's Motion to Exclude With Certificate Of Service* Filed
19 by JON MAXWELL BEATTY on behalf of USACM
20 LIQUIDATING TRUST [DE 32]

21 **Stipulation filed:** Stipulation By BINGHAM MCCUTCHEN, LLP and Between
22 2/26/09 USACM LIQUIDATING TRUST *and Proposed Order* Filed by
23 RYAN J. WORKS on behalf of BINGHAM MCCUTCHEN, LLP
24 [DE 36]

25 **Reply filed:** Reply *in Support of Motion to Exclude Plaintiff's Untimely*
26 3/3/09 *Amended Expert Report, or in the Alternative, for 30 Days From*
 Entry of Order to Serve a Rebuttal Expert Report, Plus Sanctions
 Filed by RYAN J. WORKS on behalf of BINGHAM
 MCCUTCHEN, LLP [DE 39]

Status Trust is ready to proceed

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5. **Amended Motion to Stay Pending Determination of Arbitrability, or
Alternatively, to Dismiss or Stay Proceedings Pending Arbitration:** Adv. 08-01135-
lbr, USACM Liquidating Trust et al v. Wells Fargo Bank, N.A.

Amended Motion Amended Motion To Stay *Pending Determination of Arbitrability,*
filed: *or Alternatively, to Dismiss or Stay Proceedings Pending*
2/20/09 *Arbitration* with Certificate of Service Filed by MICHAEL W.
O'DONNELL on behalf of WELLS FARGO BANK, N.A. [DE
104]

Status

Dated March 4, 2009.

LEWIS AND ROCA LLP

By: /s/ RC (#6593)
Susan M. Freeman, AZ 4199 (*pro hac vice*)
Rob Charles, NV 6593
John Hinderaker, AZ 18024 (*pro hac vice*)
Counsel for USACM Liquidating Trust

PROOF OF SERVICE

COPY of the aforementioned sent via e-
mail or U.S. First Class Mail on March 4,
2009 to the parties listed on Post-Effective
Official Service List for Limited Notice
No. 4 Dated January 8, 2008.

/s/ Carrie Lawrence
Carrie Lawrence
Lewis and Roca LLP